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Stephen Cozzolino

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12/24/2008

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EXAMINER

ABDELSALAM, FATHI K

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,758	Applicant(s) COZZOLINO, STEPHEN	
	Examiner Fathi Abdelsalam	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 and 28 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040623</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action in response to communications received on 8/28/2008. Claims 1, 3-10 and 15 have been amended by applicants. Claims 1-15 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 and 3-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter) because claims 1-15 are directed to a “enterprise wide task and commitment management system for monitoring and recording single tasks...comprising: a task state machine system software means for enforcing one or more rules of the task state machine, incorporating a schema required by the task state machine diagram and a task state machine graphic interface means associated with said system software for providing ability to transact tasks,” which is deemed software *per se*, and therefore considered disembodied functional descriptive material. Likewise, the dependent claims by default encompass all of the limitations of the independent and thus follow suit for statutory ruling. Claim 2, however, mentions that the software is resident on a computer and is

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therefore acceptable. A computer software application *per se* does not define any structural and functional interrelationships between the computer application and other claimed elements of a computer which permit the computer application's functionality to be realized.

Additionally, claims 1, 3, 5, 6, 7, 8, 10, 12, 14, and 15 are alleged to be an apparatus type of claim but there are recited steps of doing acts in the body of the claim, which is not proper for an apparatus type of claim. See the following sites wherein the method steps are claimed:

Claim 1 recites the step of "enforcing the one or more rules" and the step of "persisting all task state changes";

Claim 3 recites the step of "software means distributed over a network";

Claim 5 recites the step of "defining a task";

Claim 6 recites the step of "requesting a defined task from a recipient";

Claim 7 recites the step of "defined task being evaluated";

Claim 8 recites the step of "defined task is modified by invoking";

Claim 10 recites the step of "defined task is accepted by the recipient through one-on-one negotiation";

Claim 12 recites the step of "task being submitted by the recipient";

Claim 14 recites the step of "submitted task being reviewed by the originator";

Claim 15 recites the steps of "generating one or more employee performance appraisals and substantiating the appraisal"; "mining the database"; "providing a first-hand content."

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This is a mix of both process and apparatus statutory classes and renders the claims non-statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112 as failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The claims are rendered indefinite because the applicant is attempting to incorporate claim limitations by reference and illustration of a diagram, without stating them clearly in the claim language, which is improper.

6. Claim 1 recites the phrase "persisting all task state changes"; the scope and meaning of this phrase (specifically the use of "persisting") is unclear and therefore indefinite. Additionally, Claim 1, section (a), recites the limitation: "the task state machine," (not consistent with "task state machine system software means") and section (b) recites "said system software" (again, not consistent with "system software means"). There is insufficient antecedent basis for these limitations in the claim. Examiner would appreciate if applicant would employ consistent terminology throughout all claims.

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7. Claim 4 recites: “task state machine graphic interface means incorporates said task state diagram”—examiner is unclear on how the graphic interface “incorporates” the task state diagram? Examiner would appreciate if applicant would elucidate on how the “incorporating of the diagram” affects the end structure of the graphic interface means. Also, it is unclear to what exactly the task “role” and “states” are and how they form the basis of the state machine graphic interface? For example, the “Task State of Generate, Request, Accept, Submit, Close, Decline and Cancel”—these are all verbs and not nouns so what does this mean in terms of the actual structure being defined by reciting that the graphic interface means is based on these elements? Along the same line of reasoning, how does “a none” affect the structure? The claim recites the states “can be”; does this make them all optional? The system seems to encompass mere actions in combination with different users.

8. It is unclear as to whether these items are actually a part of the claimed invention or not.:

Claim 4 recites: “(Visual Rights Only)” denoted in brackets.

Claim 9, 11, 13, and 15 recite: “(Visibility Rights Only)” denoted in brackets.

Additionally, examiner would appreciate if applicant would employ consistent terminology throughout all claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fredell et al. (PGPUB 2001/0028364), hereinafter referred to as Fredell.

11. Regarding **Claim 1**:

Fredell discloses an enterprise wide task and commitment management system for monitoring and recording single tasks forming part of a project performable by two employees that function as a task Originator and a task Recipient in a matrix based organization ([0002], “a method and system for communicating to such users tasks that need to be executed in connection with a project, and to a method and system for tracking and managing execution of such tasks”), comprising:

a. a task state machine system software means for enforcing one or more rules of the task state machine, incorporating a schema required by the task state machine diagram; and persisting all task state changes to a relational database ([Abstract], “allows for posting over the global communications network to selected project participants the plurality of project tasks. The posted plurality of project tasks is linkable to the database”); (See also at least [0011 and 0086] - pertaining to database storage and [0041] – pertaining to software)

b. task state machine graphic interface means associated with said system software for providing ability to transact tasks, and for providing visibility of task related details to employees based on an organizational hierarchy ([0010], “further provides an interface screen available through a global communications network. The interface screen is configurable to identify a plurality of project tasks. The interface screen includes a datafield”) and ([0041], “FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project”).

12. Regarding **Claim 2**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 1, wherein said system software means is resident on a single server computer ([0041], “FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project”). (See also Figure 1 – pertaining to Network service provider administrator 22 and Web Server).

13. Regarding **Claim 3**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 1, wherein said system software means is distributed over a network

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([0041], "FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project"). (See also Figure 1).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. (PGPUB 2001/0028364), hereinafter referred to as Fredell, in view of Corral (US 7,337,124). The references disclosing the functionality of Fredell have been set forth above.

16. Regarding **Claims 4, and 6-14**:

Fredell discloses an enterprise wide task and commitment management system, as applied above in the rejection of claims 1-3 under 35 U.S.C. 102(b), wherein said task state machine graphic interface means incorporates said task state diagram (See at least Figures 2, 3, 4, 5, 6, and 7) and is based on a Task Role and a Task State, wherein said Task Role can be an:

Originator, (Fredell [0018], "Project Manager");

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A Recipient, (Fredell [0017], "Project Participant");

A None--(Visual Rights only), (Fredell [0042], "user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76.") and (Fredell [0086], "For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader.");

and said Task State can be a Generate (See Figure 5—pertaining to creating task assignment.)

Fredell does not explicitly disclose that the system incorporates Request, Accept, Submit, Close, Decline and Cancel specific task states.

However, Corral teaches an enterprise wide task and commitment management system, wherein said task state machine graphic interface means incorporates any of the task States (Request, Accept, Submit, Close, Decline and Cancel) relating to the corresponding user roles as described in the following paragraphs:

wherein the Task Role is the Originator and said Task State is the Request

(Corral [Col. 4, lines 61-62], "in addition to reports generated by request");

requesting a defined task from a Recipient (Fredell [0007], "the acquiring entity may request additional information or clarification from the target").

wherein the Task Role is the Recipient and said Task State is the Request, a

defined task being evaluated by the Recipient to determine if the task

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should be accepted, declined or modified. (Corral [Col. 17, lines 20-23], “FIG. 2, column 208 shows a Documentation Review and Acceptance (R&A) process to be immediately described with reference to FIGS. 6-a and 6-b.”) and (Corral [Col. 4, lines 61-62], “in addition to reports generated by request”) and, (Corral [Col. 7, lines 24-31], “To manage each request for change to ensure that the scope of the Project is kept under control; To ensure each request for change is assessed by key project players; To allow each change to be accepted (or rejected or deferred) by the appropriate authority; To enable the orderly implementation of each accepted change”).

wherein the Task Role is Recipient or Originator and said Task State is Request or Accept, a defined task is modified by invoking a New Change Request (Corral [Col. 4, lines 61-62], “in addition to reports generated by request”) and, (Corral [Col. 7, lines 24-31], “To manage each request for change to ensure that the scope of the Project is kept under control; To ensure each request for change is assessed by key project players; To allow each change to be accepted (or rejected or deferred) by the appropriate authority; To enable the orderly implementation of each accepted change”).

wherein the Task Role is the None -- (Visibility rights only) and the Task State is the Request (Corral [Col. 4, lines 61-62], “in addition to reports generated by request”);

a defined task is viewable by anyone in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task (Fredell [0042], “user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76.”) and (Fredell [0086], “For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader.”);

wherein the Task Role is the Recipient and Task State is the Accept (Corral [Claim 1], “a documentation process for reviewing and accepting documents generated by the product development projects”);

wherein a defined task is accepted by the Recipient through one-on-one negotiation. (Fredell [0007], “Negotiations may then occur between the acquiring entity and the target generating more documentation prior to closing”) and (Figure 6).

wherein the Task Role is None -- (Visibility rights only) and Task State is Accept (Corral [Claim 1], “a documentation process for reviewing and accepting documents generated by the product development projects”);

said accepted task being viewable by any one in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task. (Fredell [0042],

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“user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76.”) and (Fredell [0086], “For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader.”);

wherein the Task Role is Recipient and Task State is Submit (Corral [Col. 15, Table 15], “Fill in & submit”);

said task being submitted by the Recipient in the form of an RTF file or other file type based on filters loaded in the said system software. (Fredell [0002], “method and system for distributing electronic documents”) and (Corral [Claim 10], “wherein the document is a technical document associated with a software product”);

wherein the Task Role is None -- (Visibility rights only) and said Task State is Submit (Corral [Col. 15, Table 15], “Fill in & submit”);

said submitted task being viewable by any one in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task. Fredell [0042], “user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76.”) and (Fredell [0086], “For example, in addition to the authorized project managers, participant

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access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader.”);

wherein the Task Role is Originator and said Task State is Submit (Corral [Col. 15, Table 15], “Fill in & submit”);

said submitted task being reviewed by the Originator to accept and close the task or reject and submit for rework by the Recipient. (Corral [Col. 17, lines 20-23], “FIG. 2, column 208 shows a Documentation Review and Acceptance (R&A) process to be immediately described with reference to FIGS. 6-a and 6-b.”)

“As for all the previously described processes, the QMA tasks are accessible through a GUI interface.” (Corral [Col. 44, lines 34-35])

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Fredell so as to have included said task states and corresponding said task roles as taught by Corral, in order to better assist in “defining the documentation workflows; and ensuring that the teams conform to the workflow” (Corral), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results. Additionally, both the Patent and Patent Application referred to herein relate to the same field of endeavor (management of tasks and business processes) and are directed to the same problem sought to be solved (optimizing task and work flow).

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17. Regarding **Claim 5**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 4 wherein the Task Role is the Originator and said Task State is Generate, defining a task. (See Figure 5—pertaining to creating task assignment.)

18. Regarding **Claim 15**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 4, wherein inline managers using the Task Role of the None -- (Visibility Rights only) to monitor a Request Task, an Accept Task, a Submit Task, and a Close Task for:

a. generating one or more employee performance appraisals and substantiating the appraisal with at least one selective task content from the database (Fredell [0086], “a database management tool 28 using software techniques well known to those skilled in the art, allows for electronically coupling web server 20 to database 26 made up of a first database section 30 where the project-related data may be conveniently stored.”) and (Fredell [Claim 12], “analysis performed on the historical project issue data”);

b. mining the database for one or more recurring tasks and one or more multiple, linked recurring tasks to discover one or more inefficiencies and consequently redesign a business process to gain one or more efficiencies (Fredell [0091], “system may facilitate adjusting the plurality of tasks for new similar projects in view of expert analysis performed on the historical project issue data since one could learn from issues having developed during past performance of similar projects”); and

c. providing a firsthand content of who did what and when to prove compliance of state or federal regulations (Fredell [Claim 17], "said interface screen including a datafield for defining a respective time window over which each of said tasks is to be performed by at least one project participant... automatically generating a warning message to the project participant responsible for performing a given task when the results of the relating step exceed predefined task-completion thresholds relative to the respective time window."

Response to Arguments

19. Applicant's arguments filed 11/20/2006 have been fully considered but they are not persuasive.

20. Regarding the rejection of claims 1-3 under 35 U.S.C. §102:

In response to applicant's claim that Fredell fails to teach a negotiation procedure between the two parties, see the following citation: ([0007], "Negotiations may then occur between the acquiring entity and the target"). Also, the reference of Fredell discloses the system software resident on a server computer as shown herein: ([0041], "FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20").

21. Regarding the rejection of claims 4, and 6-14 under 35 U.S.C. §103:

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In response to applicant's argument again pertaining to a negotiation procedure see the above referenced Fredell citation.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fathi Abdelsalam whose telephone number is (571) 270-3517. The examiner can normally be reached on Monday to Thursday 8:00-5:00pm ET.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689